

Applicant : Joseph Z. Sleiman
Serial No. : 10/762,269
Page No. : 5

REMARKS

Applicant respectfully requests reconsideration of the above-identified patent application. Claims 1-20 remain in the application. Claims 1, 10-12 and 14 are amended to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejections as conceivably applied to the amended claims.

I. Interview

Applicant thanks Examiner Purvis for the courtesies extended to Applicant's attorney during the personal interview conducted on September 8, 2005. In the interview, proposed claim amendments were discussed in view of the applied references. In particular, the Examiner indicated concern with the use of the word base in the claims, and indicated that the claims would be clarified by stating that the projections extend from the tamping face instead of the base. These amendments are formally presented in this Response. Although no agreement was reached during the interview, it is respectfully submitted that the Examiner will find all claims in condition for allowance upon full reconsideration.

II. Invention Summary

The present invention is directed to a tamping labeler for applying labels to objects. The tamping labeler has a tamping face that includes a plurality of projections projecting outwardly from the tamping face. The projections maintain at least a substantial portion of the label at a stand-off from the tamping face to reduce the surface

Applicant : Joseph Z. Sleiman
Serial No. : 10/762,269
Page No. : 6

tension between the label and the tamping face. The reduced surface tension helps to ensure that when a label is tamped against a product, it remains there.

III. Art Rejections

A. Section 102 Rejection Based on U.S. Patent 6,006,808 to Ewert

As originally filed, claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Ewert.

Ewert discloses a tamping labeler with a tamping head 30 including a flat tamping face 33. A number of through holes 32 extend through the tamping head to receive bolts 42 for attaching the tamping head to the tamping labeler.

With respect to amended independent claim 1, Ewert does not disclose a plurality of projections projecting outwardly from the tamping face.

Because Ewert fails to disclose all of the elements of amended independent claim 1, it is respectfully submitted that the rejection based on Ewert under Section 102 is unfounded and/or overcome, and therefore should be withdrawn.

B. Section 102 Rejection Based on U.S. Patent 4,244,763 to Varon

As originally filed, claims 1-6 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Varon.

Varon discloses a tamping labeler with a plurality of suction cups 127, each with a central vacuum hole, for holding and placing labels on objects.

With respect to amended independent claim 1, Varon does not disclose a tamping face that includes a plurality of projections projecting outwardly from the

Applicant : Joseph Z. Sleiman
Serial No. : 10/762,269
Page No. : 7

tamping face.

Because Varon fails to disclose all of the elements of amended independent claim 1, it is respectfully submitted that the rejection based on Varon under Section 102 is unfounded and/or overcome, and therefore should be withdrawn.

C. Section 102 Rejection Based on U.S. Patent Application 2001/0037853 to Anderson

As originally filed, claims 1-3, 7, 8, 10, 12 and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Anderson.

Anderson discloses a tamping labeler having a bellows 38 with a distal end for carrying a label 41. The distal end of the bellows is flat, and includes a plurality of vacuum holes.

With respect to amended independent claims 1, 10 and 12, Anderson does not disclose a tamping face having plurality of projections projecting outwardly from the tamping face.

Because Anderson fails to disclose all of the elements of amended independent claims 1, 10 and 12, it is respectfully submitted that the rejection based on Anderson under Section 102 is unfounded and/or overcome, and therefore should be withdrawn.

D. Section 102 Rejection Based on U.S. Patent 5,833,803 to Strohmeyer

As originally filed, amended independent claim 11 was rejected under 35 U.S.C. 102(b) as being anticipated by Strohmeyer.

Applicant : Joseph Z. Sleiman
Serial No. : 10/762,269
Page No. : 8

Strohmeyer discloses a tamping labeler with a tamping head 34 including a flat outer face 92 for receiving and tamping labels. The tamping face includes a number of vacuum holes 96 extending through the face.

Because Strohmeyer fails to disclose all of the elements of amended independent claim 12, it is respectfully submitted that the rejection based on Strohmeyer under Section 102 is unfounded and/or overcome, and therefore should be withdrawn.

E. Section 102 Rejection Based on U.S. Patent 6,257,294 to Weisbeck

As originally filed, claims 12-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Weisbeck.

Weisbeck discloses a tamping labeler with a pick up head 5 including a flat tamping face. A number of vacuum holes 9A extend through the pick up head.

With respect to amended independent claim 12, Weisbeck does not disclose a tamping face having a plurality of projections projecting outwardly from the tamping face.

Because Weisbeck fails to disclose all of the elements of amended independent claim 12, it is respectfully submitted that the rejection based on Weisbeck under Section 102 is unfounded and/or overcome, and therefore should be withdrawn.

F. Section 103 Rejection Based on Varon in View of Weisbeck

As originally filed, claims 12-18 and 20 were rejected under 35 U.S.C. 103 as being unpatentable over Varon in view of Weisbeck.

Applicants' submit that Varon and Weisbeck, either alone or in

Applicant : Joseph Z. Sleiman
Serial No. : 10/762,269
Page No. : 9

combination, do not supplement the above noted inadequacies with respect to the independent claims. In particular, neither Varon nor Weisbeck disclose, teach or suggest a tamping face including a plurality of projections extending outwardly from the tamping face.

Applicant therefore submits that the rejection of independent claim 12 under Section 103 is unfounded and/or overcome, and therefore should be withdrawn.

G. Dependent Claims

The dependent claims further define Applicants' invention and are therefore even more clearly allowable than the claims discussed above. Claim 2 recites that the tamping face has a plurality of holes. Claims 3 and 15 recite that the projections are arranged such that each hole is at least partially surrounded by at least one of the projections. Claims 4 and 16 recites that at least some of the projections are ridges. Claims 5 and 17 recite that at least some of the projections are circular ridges. Claims 6 and 18 recite that at least some of the projections are domes. Claim 7 recites flexible accordion sides for allowing the tamping labeler to extend and retract. Claims 8 and 19 recite a one-way valve for blocking the holes when a positive pressure is introduced into the tamping labeler. Claims 9 and 20 recite that the tamping face is textured and the projections result from the texture of the tamping face. Claim 13 recites that the labeler includes a flexible bellows having a retracted position and an extended tamping position. Claim 14 recites that the tamping face of each tamping labeler has a plurality of holes.

Applicant : Joseph Z. Sleiman
Serial No. : 10/762,269
Page No. : 10

IV. Conclusion

In view of the personal interview, the above amendments, and these remarks, Applicants respectfully submit that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

AG-TRONIC CONTROL SYSTEMS, INC.

By: Warner Norcross & Judd LLP



Chad E. Kleinheksel
Registration No. 53 141
900 Fifth Third Center
111 Lyon Street, NW
Grand Rapids, MI 49503-2487
(616) 752-2313

1164167-1